

**Enrolled Minutes of the Sixtieth Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Regular Plenary Business Meeting
Monday, April 23, 2018**

Study Session. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, April 23, 2018 at 6:45 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Mark Herak, Dan Vassar, Steven Wagner, Konnie Kuiper and Bernie Zemen were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council discussed with the Fire Chief the merits of communicating to his colleague Fire Departments the prospect that the Town would prohibit horns and sirens while their vehicles were in the annual parades. Chief Timmer expressed reservations regarding how this might be greeted.
3. The Town Council President noted that there would be a study session immediately following the plenary business meeting.

The study session ended at 6:59 O'clock p.m.

Regular meeting. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, April 23, 2018 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Mark A. Herak presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Bernie Zemen reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Steven Wagner, Konnie Kuiper and Bernie Zemen. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Tara Tauber, Esq., Tauber Law Offices; Peter T. Hojnicky, Police Chief; Mark Knesek, Operations Director; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Kenneth J. Mika, Building Commissioner were present.

Also present: Ed Dabrowski, IT Consultant (Contract); Larry Moes, Town Board of Metropolitan Police Commissioners; and Larry Kondrat of the Waterworks Board of Directors were also present.

Minutes of the Previous Meetings: The minutes of the regular meeting of 09 April 2018, were approved by general consent.

Study Session: The Town Council President indicated that there will be a study session following the meeting.

Special Orders:

1. **Administration of Oath of Office** for Police Officer Candidate **James J. Mullins**. Police Officer Candidate Mullins was appointed by the Town Board of Metropolitan Police Commissioners at its meeting of 12th April, 2018, with the appointment to be effective 22 April 2018, but not earlier than approval by INPRS.

- (a) Action by Town Council determining that the named Candidates Meet the Qualifications for such position, as Determined by the Town Board of Metropolitan Police Commissioners and as now approved by the Highland Town Council, pursuant to IC 36-8-9-4(a).

Councilor Kuiper moved that the Town Council determine that James Mullins meets the qualifications for the position of police officer, as determined by the Town Board of Metropolitan Police Commissioners and that such qualifications be now approved. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The qualifications were approved.

- (b) *Administration of Oath for candidates*. The Clerk-Treasurer administered the required oath for the police officer candidate Mullins, and it was duly sworn by the candidate.

- (c) *Presentation of Badges by Metropolitan Police Commission Chair and/or Town Council President or the Metropolitan Police Chief*. The Police Chief and Chairman Larry Moes presented to Officer Mullins his Highland badge of office.

Police Officer Mullins introduced his family and guests.

Animal Warden Introduced:

The Police Chief introduced the recently hired Animal Warden, Theresa Jansen. Ms. Jansen discussed her background and her body of experiences.

Communications:

1. The Clerk-Treasurer read aloud the communication of **Matt Timmer** resigning his appointment from the Waterworks Board of Directors. No action is necessary as it is effective upon filing pursuant to IC 5-8-3.5 et seq., and IC 5-8-4-4.

The Town Council acknowledged the letter, thanking Mr. Timmer for his service.

General Orders and Unfinished Business:

1. **Proposed Ordinance No. 1674.1641-C**: An Ordinance to Amend Ordinance No. 1641 Fixing the Wage and Salary Rates of The Elected Officers, The Non-Elected Officers, And the Employees of The Town of Highland, Indiana Redacting Language in the Office of The Clerk-Treasurer, regarding the position of Deputy Clerk-Treasurer.

Councilor Vassar introduced and moved the consideration at the first meeting of its introduction of Ordinance No. 1674.1641-C. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Vassar the passage and adoption at the first meeting of its introduction of Ordinance No. 1674.1641-C. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives

and no negatives. The motion passed. The ordinance was passed and adopted at the same meeting of its introduction.

ORDINANCE No. 1674.1641-C
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE to AMEND ORDINANCE No. 1641 FIXING THE WAGE and SALARY RATES of the ELECTED OFFICERS, the NON-ELECTED OFFICERS, and the EMPLOYEES of the TOWN of HIGHLAND, INDIANA REDACTING LANGUAGE in the OFFICE of the CLERK-TREASURER.

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

WHEREAS, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

WHEREAS, I.C. 36-5-3-2(b), still further provides that the Town Legislative body shall, by ordinance fix the compensation of its own members and the Town Clerk-Treasurer;

WHEREAS, I.C. 36-5-3-2(c) still further provides that the compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year;

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, now desires to amend the ordinance that was adopted to fix the compensation of its elected officers, appointed officers and employees of the Town for the year 2017 and thereafter;

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, now desires to fix the compensation of its elected officers, appointed officers and employees of the Town for the year ensuing and thereafter;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Highland, Lake County, Indiana, that the Wages, Salaries, and special detail levels of the Officers and Employees of the Town of Highland, are hereby established and fixed, pursuant to the provisions indicated herein and as follows:

Section 1. That Section 7 (B)(2) of Ordinance No. 1641 be amended by repealing it in its entirety and replacing with a successor subdivision, to be styled as Section 7 (B)(2) which shall read as follows:

Section 7. Office of the Clerk-Treasurer. That subject to the provisions of this ordinance, the salary and wages for the elected officers, non-elected officers and employees of the Town of Highland are hereby fixed for its Office of the Clerk-Treasurer as follows:

(B) **Deputy Clerk-Treasurer**

(2) That the compensation for a deputy clerk-treasurer possessing ~~both a baccalaureate level degree in a relevant field granted from an accredited University or College and a single relevant professional certification from a generally accepted professional association including but not limited to Indiana League of Municipal Clerks and Treasurers, International Institute of Municipal Clerks, Association of Public Treasurers, Government Finance Officers Association, Society of Management Accountants or the American Society of Public Accountants~~ is hereby fixed as follows:

Starting Rate	Incumbent Rate
\$ 1,983.92	\$ 1,983.92 bi-weekly

Section 2. That all portions of ordinances in conflict with this ordinance are hereby repealed and are of no further force nor effect;

Section 3. (A) That an emergency exists for the immediate taking effect of this Ordinance, which, subject to the provisions of this ordinance, shall become effective and shall remain in full force and effect from May 6, 2018 after its passage and adoption, pursuant to any effective dates herein described and until its repeal or amendment by subsequent enactment;

(B) That any actions contemplated and made lawful by this ordinance undertaken prior to its passage and adoption that would be lawful under its provisions, are hereby ratified and approved, pursuant to IC 36-1-4-16;

(C) That the Clerk-Treasurer shall have authority to implement the provisions of this ordinance pursuant to the authority expressly set forth in IC 36-5-6-6 (a) (3) & (4).

Introduced and Filed on the 23rd day of April 2018. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 23rd Day of April 2018, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5; IC 36-5-2-10.2)

2. **Works Board Order No. 2018-18: An Order Authorizing, Approving and Adopting a LICENSE Agreement with The TOWN of HIGHLAND, as Licensor and Q3 Contracting Company, as Licensee, and approving a reasonable license fee.**

Councilor Vassar moved the passage and adoption of the Works Board Order. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Order was adopted.

**The Town of Highland
ORDER of the WORKS BOARD NO. 2018-18**

An Order Authorizing, Approving and Adopting a LICENSE Agreement with The TOWN of HIGHLAND, as Licensor and Q3 Contracting Company, as Licensee, and approving a reasonable license fee.

WHEREAS, THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA, a municipal corporation organized pursuant to the laws of Indiana (hereinafter sometimes described as Licensor) owns and has title to certain real property located in the Town of Highland, Lake County, Indiana, which is particularly described in an exhibit attached to this order;

WHEREAS, THE Q3 CONTRACTING COMPANY, a private corporation organized pursuant to the laws of Minnesota (hereinafter sometimes described as Licensee) desires to fix the terms of a license agreement governing the granting of a license permitting a construction storage yard on premises of the Town of Highland (sometime herein described as Licensor) as particularly described herein;

WHEREAS, IC 36-8-2-4 provides that a municipality may regulate conduct, or use or possession of property, that might endanger the public health, safety, or welfare;

WHEREAS, IC 36-8-2-10 provides that a municipality may regulate the operation of businesses, crafts, professions, and occupations;

WHEREAS, IC 36-8-2-11 provides that a municipality may regulate solicitation by persons offering goods or services to the public;

WHEREAS, IC 36-7-2-2 provides that a municipality may regulate the use, improvement, and maintenance of real property and the location, condition, and maintenance of structures and other improvements; and

WHEREAS, The Licensor wishes to grant to the Licensee, a license agreement for permitting a construction storage yard on premises of the Licensor as particularly described herein;

NOW, THEREFORE, BE IT HEREBY ORDERED by the Highland Town Council, Lake County, Indiana as follows:

Section 1. That the **Attached License Agreement**, presented by Q3 CONTRACTING COMPANY, INC., as licensee, to permit a construction storage yard on premises of the Licensor as particularly described herein is hereby approved in each and every respect;

Section 2. That the **TERM OF THE LICENSE SHALL BE** for a period of years as set forth in the licensing agreement set forth herein, and that the licensee initially shall pay *a monthly* license fee to the Licensor in the amount of three thousand dollars (\$3,000), as provided in the terms of the license agreement **beginning May 1,**

2018 for an initial license term of five months, and any holding over by Licensee beyond the expiration of the initial term, shall give rise to a license from month to month and all other provisions of this LICENSE shall continue. Such license from month to month may be terminated by either Licensor or Licensee upon giving thirty days' prior written notice to the other;

Section 3. That the Town Council hereby finds and determines that the license fee herein approved is reasonably related to the administrative cost of exercising the regulatory power associated with the licensed activity, pursuant to IC 36-1-3-8(a)(5);

Section 4. That the proper officer of the municipality be hereby authorized to execute the License Agreement by the officer's signature.

Be it So Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 23rd day of April 2018 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL as the Works BOARD of the
TOWN of HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

3. Authorizing the proper officer to publish legal notice of a public hearing to consider additional appropriations in the amount of \$1,150.50 in the Metropolitan Police Department of the Corporation General Fund.

Councilor Wagner moved to authorize the proper officer to publish as indicated. Councilor Kuiper seconded. Upon the roll call vote, there were five affirmatives and no negatives. The motion passed. The publication was adopted.

Comments from the Town Council:

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • IT Liaison • Liaison to the Board of Waterworks Directors.*

Councilor Zemen acknowledged the Redevelopment Director, who reported on a new event that is tentatively scheduled for August 11 styled as a "Taste of Highland."

- **Councilor Dan Vassar:** *Liaison to the Park and Recreation Board.*

Councilor Vassar acknowledged the Parks and Recreation Superintendent, who offered a brief survey of programs in the Parks and Recreation Department. He also reported on the success of the recent park pride day, noting that 160 volunteers appeared to canvas and collect garbage in the parks.

- **Councilor Steve Wagner:** *Advisory Board of Zoning Appeals Liaison.*

Councilor Wagner acknowledged the Building Commissioner who offered a report on matters pending before the Advisory Board of Zoning Appeals.

- **Councilor Konnie Kuiper:** *Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper had no report.

- **Councilor President Mark Herak:** *Town Executive • Chair of the Board of Police Pension Trustees • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Town Board of Metropolitan Police Commissioners, Liaison.*

The Town Council President acknowledged the Police Chief who reported that the annual Police Memorial service was scheduled for May 12, 2018 at Markley Park. It was noted that this would commend the 40th anniversary since Officer Markley was killed in the line of duty. It is slated to begin at 9:00 a.m.

The Town Council President acknowledged the Operations Director who reported generally on the status of the road paving projects for the summer being compiled.

Comments from Visitors or Residents:

1. Michael Koku, 8938 Wildwood Drive, Highland, identified himself as a 53 year resident of the town. Mr. Kokut reported his impression that many vehicles were running red lights at the intersection of Martha and Indianapolis Boulevard.

With leave from the Town council, the Police Chief indicated that he could contact Indiana Department of Transportation (INDOT) regarding the timing of the caution lights, noting that INDOT has authority on Indianapolis boulevard.

2. Judy Haddick, 8796 St. James Place, Highland, introduced herself as the Executive Director of the Highland Education Foundation, reported on its second annual trivia night raising funds for the Foundation. She invited the Town to consider fielding a team and compete next year.
3. Larry Kondrat, 8115 4th Place, Highland, asked for clarification for the location being licensed to Q3 earlier by Works Board 2018-18. Mr. Kondrat further suggested that perhaps the Town assist the Schools for locations to plant the trees given out in the schools.
4. Elijah Aurand, 9315 Farmer Drive, Highland, stated that his laptop for streaming was broken and that live streaming of the Town Council meetings would be delayed.

Mr. Aurand also noted that Dick's Sporting Goods, announced that it would be relocating to a site on the Schererville side of Main Street. Mr. Aurand appealed to the Town Council to keep the store in its current location.

Mr. Aurand asked whether there was an official plan for the site and area of the former Town Theater. He asked whether the plan would be available to the public.

Councilor Vassar and Mr. Aurand had a colloquy regarding the planning for the site and area of the former Town Theater and that Dick's relocation was due to its need for greater space, and none being available at the current site.

Payment of Accounts Payable Vouchers. There being no further comments from visitors or residents, Councilor Vassar moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period **April 10, 2018 through April 23, 2018** and the **payroll docket for April 13, 2018**. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, the payroll dockets listed were ratified and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$187,352.02; Motor Vehicle Highway and Street (MVH) Fund, \$21,743.95; Local Road and Street Fund, \$3,469.40; Law Enforcement Continuing Education, Training, and Supply Fund, \$1,200.72; Information and Communications Technology Fund, \$5,790.82; Special Events Non-Reverting Fund, \$11,500.00; Municipal Cumulative Development Fund, \$1,263.79; Traffic Revenue and Law Violations Fund, \$9,287.50; Total: \$241,608.20.

Payroll Docket for payday of March 16, 2018:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$13,155.24; Building and Inspection Department, \$8,398.89; Metropolitan Police Department, \$121,919.60; Fire Department, \$3,664.91; and Public Works Department (Agency), \$62,039.55; Total Payroll: \$209,178.19.

Adjournment of Plenary Meeting. Councilor Vassar moved that the plenary meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, April 23, 2018 was adjourned at 7:58 O'clock p.m.

The Town Council of the Town of Highland, Indiana met in a study session following the regular plenary meeting on Monday, April 23, 2018 at 8:00 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Mark Herak, Bernie Zemen, Steve Wagner and Konnie Kuiper were present. Councilor Dan Vassar joined the meeting at 8:32 p.m. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Persons Attending: John M Bach, Public Works Director; Mark Knesek, Operations Director; Alex M. Brown, CPRP, Parks and Recreation Superintendent; William R. Timmer, CFOD, Fire Chief; Kathy DeGuilio-Fox, Redevelopment Director Kenneth J. Mika, Building Commissioner and Peter T. Hojnicky, Police Chief were also present.

Guest: Larry Kondrat, Board of Waterworks Directors, was also present.

General Substance of Matters Discussed.

1. The Town Council and the department heads discussed the issue of possibly providing for general raises for the workforce. It was noted again that while in balance with a slight surplus, the surpluses when allowing for the estimated circuit breaker loss would not be sufficient to support any raises. The Clerk-Treasurer also noted that at the end of 2017, owing to circuit breaker losses and the need to protect the debt service levies, there was an effective collection rate of 93% in the civil government operating funds.

The Town Council asked each department head whether a surplus could be found in the existing budget to support raises, noting that no additional appropriation would be available for an increase.

Each department head noted that they were directed not to budget general wage increases but were told to have longevity, overtime and promotions supported. Each department head stated that no money was available but if the Town Council identified a proposed increase amount, departments would have to cut from planned spending or leave staff positions vacant to pay for any increases.

It was further noted that a general increase of five percent for most full-time workers and paid on call firefighters plus a six percent increase for police officers with the rank of corporal and above was enacted for FY 2017.

The discussion explored how to deal with the absence of sufficient income to support raises, including increasing certain user fees. The Clerk-Treasurer also noted that a conversation and examination should be revisited regarding forms of tax base sharing with neighboring community and the like especially since property tax is the primary resource supporting public safety.

There being no further matters to discuss the study session following the plenary business meeting of Monday, April 23, 2018 was adjourned at 8:37 p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer